

1 RALPH ROGARI (SBN 139422)
2 ROGARI LAW FIRM
3 12400 Wilshire Boulevard, Suite 230
Los Angeles, CA 90025
(310) 866-6935

4 Attorneys for plaintiff, Jack Foster

5 **UNITED STATES DISTRICT COURT FOR THE**
6 **CENTRAL DISTRICT OF CALIFORNIA**

7
8 JACK FOSTER,) CASE NO: 24 CV 1275
9 Plaintiff,)
10 v.) COMPLAINT FOR DAMAGES
11 DAVID BREWER, an individual;) 1. Violation of Civil Rights.
12 A NGUYEN, an individual;) 2. State Law Claims
13 ALYSSA BOSTROM, an individual;) A. Negligence
CRAIG BREZECXKOWSKI, an) B. Intentional Infliction of
individual; DOES 1 - 50, inclusive.) Emotional Distress
14 Defendants.) C. Violation of Bane Act
D. Violation of Ralph Act
15 _____) DEMAND FOR JURY TRIAL
16
17 COMES NOW plaintiff JACK FOSTER and alleges as follows:
18
19 **JURISDICTION**
20 Jurisdiction exists under 42 U.S.C. § 1983. On June 4, 2022, the
21 defendants harmed plaintiff by acting under color of law to unreasonably
22 detain, arrest and imprison him, thereby depriving plaintiff of rights,
23 privileges, or immunities secured by the Fourth, Fifth, and Fourteenth
24 amendments to the United States Constitution.

25 **THE PARTIES**

26 1. Plaintiff Jack Foster is, and at all times relevant was, a citizen
27 of the United States and a resident of Los Angeles County, California.
28

1 2. Defendant David Brewer is, and at all relevant times was, an
2 individual, employed by the County of Los Angeles as a member of its
3 sheriff's department. On information and belief, defendant Brewer was at
4 all times relevant, and currently is, a resident of Los Angeles County,
5 California.

6 3. Defendant A Nguyen is, at all relevant times was, an
7 individual employed by the City of Pomona as a police officer. On
8 information and belief, defendant Nguyen was at all times relevant, and
9 currently is, a resident of Los Angeles County, California.

10 4. Defendant Alyssa Bostrom is, at all relevant times was, an
11 individual employed by the City of Pomona as a police officer. On
12 information and belief, defendant Bostrom was and is, a resident of Los
13 Angeles County, California.

14 5. Defendant Craig Brzeczkowski is, at all relevant times was, an
15 individual employed by the by the City of Pomona as a police officer. On
16 information and belief, defendant Brzeczkowski was and is, a resident of
17 Los Angeles County, California.

18 6. Plaintiff is unaware of the true names and capacities of the
19 defendants sued as Does 1-50 and therefore sues them by those fictitious
20 names. Plaintiff will amend this complaint to insert the true names and
21 capacities of these Doe defendants when they are known to him. Plaintiff
22 is informed and believes and upon such basis alleges that defendants sued
23 as Does 1-50, and each of them, are the agents, employees and/or servants
24 of their co-defendants, acted in the course and scope of their agency,
25 employment and/or service, and are responsible in some fashion for the
26 events, injuries and damages alleged in this complaint.

27

28

1 **ALLEGATIONS COMMON TO EACH CAUSE OF ACTION**

2 7. On or about June 4, 2022, around 3:30 a.m. plaintiff Jacl Foster
3 was in his vehicle on Val Vista Street in Pomona, CA performing
4 neighborhood watch duties. He observed defendant David Brewer drive his
5 Prius vehicle onto Val Vista Street a begin travelling in a westerly
6 direction. Soon thereafter, defendant Brewer began driving his vehicle in
7 an unsafe, dangerous and reckless manner. With a Mercedes vehicle
8 travelling on the Val Vista Street behind him, defendant Brewer began
9 repeatedly hitting the brakes of his vehicle forcing the Mercedes to
10 abruptly hit his brakes to avoid striking Brewer's vehicle.

11 8. After the driver of the Mercedes began turning his car in an
12 attempt to travel eastbound, defendant Brewer drove his Prius directly at
13 the Mercedes. Defendant Brewer got out of his vehicle, took out a handgun
14 and pointed it at the driver of the Mercedes. Plaintiff foster called 911 and
15 reported to the Pomona police department what he had witnessed. He also
16 began driving his vehicle away from the area where defendant Brewer had
17 threatened the Mercedes driver, driving eastbound on Val Vista street.

18 9. As plaintiff Foster was doing so, defendant Brewer then drove
19 his Prius up on the rear of plaintiff's vehicle and began tailing plaintiff. In
20 fear for his life, plaintiff reported to the Pomona Police Department that
21 defendant Brewer was tailing him eastbound on Val Vista. Defendant
22 Brewer continued to tail plaintiff when he turned north onto White street,
23 and defendant Brewer continued to tail plaintiff as he travelled north on
24 White street. Plaintiff Foster continued to report to the Pomona PD that
25 Brewer was continuing to tail him, and when he made a u-turn and began
26 travelling south on White street, Brewer did the same. After plaintiff
27 Foster travelled south on White street, Brewer continued to follow him

1 even after he made another u-turn to again head north on White street.
2 The tailing continued as plaintiff travelled back up White street and
3 continued when plaintiff made another u-turn to again travel south on
4 White street. Plaintiff continued to report what was happening to Pomona
5 PD and when he turned west onto Orange Grove Ave, defendant Brewer
6 again followed. As plaintiff was travelling west on Orange Grove with
7 defendant Brewer still following behind him, the Pomona police
8 department instructed plaintiff to pull over to the side of Orange Grove
9 Ave.

FIRST CAUSE OF ACTION
(Violation of Civil Rights (42 U.S.C. § 1983) against all defendants.)

12 10. Plaintiff incorporates by this reference the allegations of
13 paragraphs through 9, inclusive.

14 11. At all material times, defendants were subject to 42 U.S.C.
15 sections 1983, 1985, 1986, and 1988.

16 12. Unbeknownst to plaintiff at the time, shortly after he reported
17 the conduct of defendant Brewer to the Pomona police department,
18 defendant Brewer began conspiring with defendants A NGUYEN, CRAIG
19 BREZECXKOWSKI, ALYSSA BOSTROM and Does 10-20, then active, on-
20 duty police officers for the City of Pomona, to cover-up his misconduct by
21 effectuating the unreasonable seizure and arrest of plaintiff.

22 13. At the time of the events described above, none of the
23 defendants had a reasonable suspicion to detain, much less probable cause
24 to arrest, plaintiff. All plaintiff did was what he had been trained to do as
25 a neighborhood watch person — observe the misconduct of defendant
26 Brewer with respect to both the driver of the Mercedes and himself, and
27 report that conduct to the Pomona Police Department. Moreover, even

1 though defendant Brewer recklessly drove his car and pulled a gun on the
2 driver of the Mercedes, and the followed plaintiff all around Pomona, no
3 one in the Pomona police department took any action toward defendant
4 Brewer. Rather, after allowing defendant Brewer to recklessly tail him
5 throughout Pomona, police officers A NGUYEN, CRAIG
6 BREZECXKOWSKI and ALYSSA BOSTROM detained plaintiff, despite
7 what he had reported to them, and their knowledge he was a well known,
8 but black, neighborhood watch person.

9 14. Then, pursuant to the agreement with defendant Brewer, a
10 white off duty sheriff for the County of Los Angeles, and because plaintiff
11 Foster was a black man, defendant NGUYEN had defendant
12 BREZECXKOWSKI arrest Foster without a warrant. A seizure and arrest
13 that defendant BOSTROM then approved.

14 15. In doing the acts alleged, defendants, and each of them, while
15 acting under color of law, violated plaintiff's civil rights by subjecting him
16 to an unnecessary and unreasonable seizure, detention, arrest and
17 imprisonment in violation of his constitutional rights guaranteed by the
18 Fourth, Fifth and Fourteenth Amendments to the United States
19 Constitution.

20 16. As a direct result of the defendants' conduct, plaintiff has or will
21 suffer permanent economic and non-economic damages including but not
22 limited to: (a) severe mental anguish and psychological distress that
23 contributed to an aggravation of his portal hypertension and led to massive
24 gastrointestinal bleeding that almost killed him; (b) Great physical pain
25 and suffering; (c) indignity, humiliation, shame, mortification and other
26 injuries to plaintiff's physical, mental, emotional and nervous systems; (d)
27 past, present and future cost of medical care; all in an amount not yet
28

ascertained, but which exceeds the minimum jurisdictional limits of this Court.

3 17. As a legal result of the violation of his civil rights, plaintiff has
4 and will incur attorney's fees and costs.

5 18. Defendants' conduct as described herein was despicable and
6 was committed maliciously, fraudulently and/or oppressively with the
7 wrongful intention of injuring plaintiff and with a willful and conscious
8 disregard of plaintiff's rights, justifying an award of punitive damages.

SECOND CAUSE OF ACTION
**(State law claims against defendant David Brewer and Does 1
through 5, inclusive.)**

12 19. Plaintiff incorporates by this reference the allegations of
13 paragraphs through 9, inclusive.

COUNT 1 --- Negligence

15 20. At the times herein mentioned, defendant Brewer owed
16 plaintiff a duty to operate his vehicle in a safe manner. Defendant Brewer's
17 use of his Prius vehicle to follow plaintiff around Pomona, after his conduct
18 with the driver of the Mercedes, was unsafe and reckless. It constituted a
19 breach of his duty to plaintiff, and caused plaintiff to be in fear for his
20 safety and well-being.

21 21. As a direct and foreseeable result of defendant Brewer's
22 conduct, plaintiff has or will suffer permanent economic and non-economic
23 damages including but not limited to: (a) Severe mental anguish and
24 psychological distress that contributed to an aggravation of his portal
25 hypertension and led to massive gastrointestinal bleeding that almost
26 killed him; (b) Great physical pain and suffering; (c) indignity,
27 humiliation, shame, mortification and other injuries to plaintiff's physical,

1 mental, emotional and nervous systems; (d) past, present and future cost of
2 medical care; all in an amount not yet ascertained, but which exceeds the
3 minimum jurisdictional limits of this Court.

4 **COUNT 2 - Intentional Infliction of Emotional Distress**

5 22. Defendant Brewer's conduct in repeatedly hitting the brakes
6 while driving in front of the Mercedes vehicle, then driving right at that
7 vehicle, exiting his vehicle, pulling a gun and pointing it at the driver of the
8 Merceds was extreme, outrageous and unreasonable conduct. Defendant
9 Brewer's conduct in then directing his rage at plaintiff, tailing him
10 throughout Pomona with his gun at the ready was also extreme,
11 outrageous and unreasonable conduct. Defendant Brewer's conduct in
12 conspiring with the defendant Pomona police officers to have plaintiff
13 arrested on account of his race, and his conduct in reporting to the Pomona
14 police department that on June 4, 2022, plaintiff attempted to carjack his
15 Prius automobile, a knowingly or recklessly false claim, was also extreme,
16 outrageous and unreasonable conduct.

17 23. The conduct of defendant Brewer was done with the intent to
18 cause, or with reckless disregard for the probability of causing, emotional
19 distress.

20 24. As a result, Plaintiff sustained severe emotional distress
21 resulting in physical manifestations, physical pain, emotional anguish,
22 fear, anxiety, humiliation, embarrassment and other physical and
23 emotional injuries, damages (both economic and non-economic) and
24 permanent disability, in the past, present and future, for which this claim
25 is made.

26 25. As a legal result of the violation of his civil rights, plaintiff has
27 and will incur attorney's fees and costs.
28

1 26. Defendants' conduct as described herein was despicable and
2 was committed maliciously, fraudulently and/or oppressively with the
3 wrongful intention of injuring plaintiff and with a willful and conscious
4 disregard of plaintiff's rights, justifying an award of punitive damages.

COUNT 3 - Violation of Bane Act, Civil Code § 52.1

6 27. Defendant Brewer intentionally interfered with, or attempted
7 to interfere with, plaintiff's civil rights by threats, intimidation, or coercion.
8 In addition to the misconduct previously alleged, defendant Brewer
9 reported to the Pomona police department a knowingly false claim, or claim
10 made with reckless disregard for the truth; specifically that on June 4,
11 2022, plaintiff attempted to carjack his Prius automobile.

12 28. The civil rights defendant Brewer interfered with, or attempted
13 to interfere with by threat, intimidation, or coercion, were plaintiff's
14 enjoyment of his right to be free from unreasonable detentions, seizures
15 and arrests; rights secured by the Constitution or laws of the United States
16 and this State.

17 29. As a direct and foreseeable result of defendant Brewer's
18 conduct, plaintiff has or will suffer permanent economic and non-economic
19 damages including but not limited to: (a) Severe mental anguish and
20 psychological distress that contributed to an aggravation of plaintiff's
21 portal hypertension and led to massive gastrointestinal bleeding that
22 almost killed him; (b) Great physical pain and suffering; (c) indignity,
23 humiliation, shame, mortification and other injuries to plaintiff's physical,
24 mental, emotional and nervous systems; (d) past, present and future cost of
25 medical care; all in an amount not yet ascertained, but which exceeds the
26 minimum jurisdictional limits of this Court.

27 30. As a legal result of the violation of his civil rights, plaintiff has

1 and will incur attorney's fees and costs.

2 31. Defendants' conduct as described herein was despicable and
3 was committed maliciously, fraudulently and/or oppressively with the
4 wrongful intention of injuring plaintiff and with a willful and conscious
5 disregard of plaintiff's rights, justifying an award of punitive damages.

6 **COUNT 4 - Violation of Ralph Act, Civil Code § 51.7**

7 32. Defendant Brewer committed acts of violence, or intimidated
8 plaintiff by threat of violence, because plaintiff was a black man, in
9 violation of Civil Code section 51.7.

10 33. To the extent that defendant Brewer did not personally engage
11 in this conduct, he aided, abetted, or otherwise provided assistance and
12 encouragement to the perpetrators of the conduct. In addition to the
13 misconduct previously alleged, defendant Brewer reported to the Pomona
14 police department a knowingly false claim, or claim made with reckless
15 disregard for the truth; specifically that on June 4, 2022, plaintiff
16 attempted to carjack his Prius automobile.

17 34. As a direct and foreseeable result of defendant Brewer's
18 conduct, plaintiff has or will suffer permanent economic and non-economic
19 damages including but not limited to: (a) Severe mental anguish and
20 psychological distress that contributed to an aggravation of plaintiff's
21 portal hypertension and led to massive gastrointestinal bleeding that
22 almost killed him; (b) Great physical pain and suffering; (c) indignity,
23 humiliation, shame, mortification and other injuries to plaintiff's physical,
24 mental, emotional and nervous systems; (d) past, present and future cost of
25 medical care; all in an amount not yet ascertained, but which exceeds the
26 minimum jurisdictional limits of this Court.

1 35. As a legal result of the violation of his civil rights, plaintiff has
2 and will incur attorney's fees and costs.

3 36. Defendants' conduct as described herein was despicable and
4 was committed maliciously, fraudulently and/or oppressively with the
5 wrongful intention of injuring plaintiff and with a willful and conscious
6 disregard of plaintiff's rights, justifying an award of punitive damages.

7 WHEREFORE, plaintiff prays for judgment against defendants, and
8 each of them, as follows:

17 Date: February 15, 2024

ROGARI LAW FIRM

By Ralph Rogari
RALPH ROGARI, Attorney for
plaintiff, Jack Foster

DEMAND FOR TRIAL BY JURY

Plaintiff, Jack Foster demands a trial by jury.

24 || Date: February 15, 2024

ROGARI LAW FIRM

By Ralph Rogari
RALPH ROGARI, Attorney for
plaintiff, Jack Foster